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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of |) Examiner Janelle Combs Morillo |
| |) |
| Venema et al |) Group Art Unit 1742 |
| |) |
| Serial No. 10/706,846 |) Atty. Docket # 4430-031234 (03-1257) |
| |) |
| Confirmation No. 6084 |) |
| |) |
| Filed 11/12/2003 |) December 21, 2005 |
| |) |
| For METHOD OF MANUFACTURING |) |
| A NEAR-NET SHAPE ALLOY |) |
| PRODUCT |) |

Rule 1.131 Declaration

I, Jeffrey J. Witters, an employee of ALCOA, declare and state:

- (1) The invention described in the above referenced patent application was invented by myself and other ALCOA personnel prior to February 13, 2003.
- (2) United States Patent Application 2004/0182483 by Heymes et al, was cited against the present application in an Office Action dated August 25, 2005.
- (3) The priority date for the Heymes application is based on the United States Provisional Patent Application having serial number 60/446,993 filed on February 13, 2003.

(4) I have reviewed a proposal dated January 7, 2003 that to the best of my knowledge, information and belief was sent by ALCOA to the Puget Sound Wing Group at Boeing Aircraft Corporation on or before January 9, 2003.

(5) The proposal to the Puget Sound Wing Group at Boeing Aircraft Corporation is a rough order of magnitude quotation for a machined panel and is identified as confidential information.

(6) One line in the proposal states: "Plate produced in F-temper prior to machining. Machined panel brought to DVPT for SHT+Q+STR+AGE to T7651".

(7) The following definitions in the line quoted above in Paragraph (6) are understood by ALCOA and Boeing personnel interacting on the proposal:

DVPT refers to the ALCOA plant at Davenport, Ohio.

SHT means to solution heat treat.

Q means to quench.

STR means to stretch

AGE refers to artificial ageing

T7651 is a specific temper

(8) ALCOA and Boeing personnel understood that the alloy was the Aluminum Association 7085 alloy. (Previous communication between ALCOA and Boeing had established that the code LW-P3, which appears in the proposal, referred to AA 7085.)

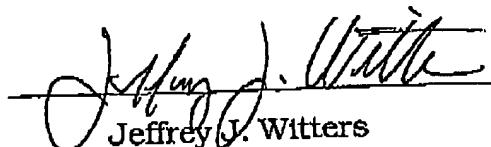
(9) The steps set forth in the quoted section in Paragraph 6 above read directly on Claims 1-8 of the subject application, provided that it is understood that the plate was obtained from an ingot by rolling.

(10) It is my belief that both Boeing personnel and Alcoa personnel understood that the plate would be obtained from an ingot by rolling.

(11) I have reviewed an E-mail dated which, to the best of my knowledge, information and belief, was sent by Michael B. Giuffre (Boeing) to Dan Goodyear (ALCOA) on February 6, 2003. The E-mail indicates that Boeing received the ALCOA quotation, reviewed it and responded prior to February 13, 2003. The E-mail includes six pages of dimensioned sketches that, to the best of my knowledge, information and belief, are proprietary to Boeing.

Declarant further declares and states that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Jeffrey J. Witters

2005 DEC 21
Date